

[Shri Mulka Govinda Reddy]

we accept part of the recommendation that their appearances should be validated, their enrolment should also be validated, and it is not going to affect adversely the seniority of the members of the Bar Council as there is no uniform list so far prepared by the Bar Council of India. I, therefore, press that this amendment should be accepted.

SHRI P. GOVINDA MENON : I cannot accept it for the reasons already explained by me.

THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) : The question is 1

4. "That at page 2, lines 8-9, after the words and brackets '(whether by way of pleading or acting or both)', the words 'and their seniority shall be counted from the date of their respective enrolment commencing from the 28th day of February, 1963' be inserted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) : Amendment No. 5 is barred.

Now the question is :

3 "That at page 1, line 7, for the words and figures 'the Advocates Act, 1961,' the words 'the principal Act,' be substituted."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) : The question is :

"That clause 2, as amended, stand part of the Bill"

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

New Clause \A

SHRI P. GOVINDA MENON : Sir, I move i

2. "That at page 1, after line 6, the following new clause be inserted, namely :—

'1A. Amendment of section 24—In clause (a) of sub-section (3) of section 24 of the Advocates Act, 1961 (25 of 1961)

(hereinafter referred to as the principal Act), the words, figures and letters 'before the 31st day of March, 1964' and 'then in force' shall be omitted'."

The question was put and the motion was adopted.

New Clause I-A was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI P. GOVINDA MENON : Sir, I move i

"That the Bill, as amended, be passed."

The question was proposed.

SHRI MULKA GOVINDA REDDY : Mr. Vice-Chairman, I must thank Mr. Govinda Menon, the Law Minister for having brought forward this Bill and getting it passed. For the last three years I was one of those who consistently and persistently tried to convince the Government to see that this amendment was brought forward and their enrolment, the enrolment of the 174 Advocates was validated. But unfortunately the then Minister-in-charge did not heed to our request. I am glad that the present Minister has done it. I am very thankful to him as also the Advocates in the Mysore Bar Council are very grateful to him.

Thank you.

THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) : The question is ;

"That the Bill, as amended, be passed."

The motion was adopted.

### THE REQUISITIONING AND ACQUISITION OF IMMOVABLE (PROPERTY AMENDMENT)

BILL, 1968 THE MINISTER  
OF WORKS, HOUSING AND SUPPLY  
(SHRI JAGANNATH RAO) : I beg to move

"That the Bill further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952, as passed by the Lok Sabha, be taken into consideration."

In the wake of the Chinese aggression, the Defence of India Act, 1962.

was passed. Under that Act and the Rules made thereunder, certain properties including lands and buildings were requisitioned for purposes essential for meeting the emergency. With the revocation of the Proclamation of Emergency on 10th January, 1968, the Defence of India Act came to an end, the result being that large extent of lands and buildings which were requisitioned are still with the Government. These properties cannot be immediately de-requisitioned or acquired. The cost of acquisition would come to about Rs. 35 crores and on some of these lands, valuable structures have been erected for defence purposes and it is not possible to dismantle the structures and hand over the properties. Therefore, it was considered that the Requisitioning and Acquisition of Immovable Properties Act, 1952, should be so amended as to include these requisitions as having been done under that Act as on 10th January 1968. Accordingly a Bill was introduced in the Lok Sabha on 10th May, 1968 but unfortunately, the Bill could not be passed into law. The emergency having been revoked, the Defence of India Act came to an end on 10th July 1968. Therefore, on 17th June 1968, an Ordinance was passed on the same lines as the Bill which was originally formulated and introduced in this House. Therefore, this Bill, in the main, tries to replace the Ordinance by passing this Bill into law.

Having to come to this House with this Bill, it was also found necessary to amend the provisions regarding compensation which existed in section 8 (3) (b) which was struck down by the Delhi High Court and earlier, a similar provision under the Punjab Act was struck down by the Supreme Court. The Government thought it highly desirable to bring the law in conformity with the interpretation put by the Supreme Court and the High Courts. Therefore, section 8 of the original Act is being amended to bring it in line with the decision of the Supreme Court. These are the two main provisions of this amending Bill and it has been passed by the Lok Sabha and I move this motion for consideration.

The question was proposed.

THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) : Mr. Sejwalkar.

श्री ना० कृ० शंजवलकर (मध्य प्रदेश) : उप-समाध्यक्ष महोदय, जो संशोधन आया है, मैं

उसका विरोध करने के लिए खड़ा हुआ हूँ ; इस संशोधन को लाने के लिए जो सबसे पहले कारण दिये गये हैं कि कुछ सम्पत्तियाँ ऐसी हैं जिन्हें उपयोग के लिए रिविजिशन किया गया है । अब समय बहुत हो गया है क्योंकि उन पर सरकारी भवन खड़े हैं इसलिए उनको एक्वायर करना जरूरी है । अगर इन सम्पत्तियों को एक्वायर नहीं किया गया तो सरकारी सम्पत्ति को नुकसान होगा, इत्यादि इत्यादि । मेरी समझ में यह बात नहीं आती है कि वास्तव में जो 1952 का कानून है वह एक अस्थायी रूप का कानून है ? जहाँ तक एक्विजिशन इम्मुवेबल प्रापर्टी का सवाल है उसके लिए पृथक से लैंड एक्विजिशन एक्ट बना हुआ है जिसके अन्तर्गत सम्पत्तियाँ एक्वायर की जा सकती हैं । इस एक्विजिशन कानून में जो परचेज की समस्या है उस समस्या को हल करने के लिए ही थोड़ा सा सुधार सुझाया गया है कि ऐसी सम्पत्तियाँ एक्वायर की जा सकेंगी विशेष सूरत में और इसके लिए जो 1952 का कानून है उसकी धारा 7 देखने योग्य है । इसके सब क्लॉज 3 में यह बतलाया गया है :-

Sub-Clause (b)—

"No property shall be acquired under this section except in the following circumstances, namely i

"where any works have during the period of requisition being constructed on, in, or over the property wholly or partially at the expense of the Central Government and the Government decides that the value of or the right to use such work should be acquired or preserved for the purpose of the Government."

दूसरा यह है :

"Where the cost of restoring the property to its condition at the time of requisition would in the determination of the Central Government be excessive and the owner declines to accept release from requisition of the property without payment of compensation for so restoring the property".

[श्री ना० कृ० शेजवलकर]

इस विधान के अन्तर्गत केवल दो कारण हैं जिनके द्वारा रिक्विजिशन की हुई प्रापर्टी को एक्वायर करने का प्राविजन है। मेरा इस संबंध में यह निवेदन है कि वास्तव में अमेंडमेंट करके कोई पब्लिक परपज के बारे में या ऐसे कारणों के आधार पर जिसके अन्तर्गत ये दोनों बातें आ जाती हैं, लैंड एक्विजिशन ऐक्ट में संशोधन किया जाता तो ज्यादा अच्छा होता। इस तरह से दो दो प्रकार के पैरलल लाज इम्प्यूवेल प्रापर्टी के बारे में लाने से दिक्कत पैदा होगी। लैंड एक्विजिशन जो विल्डिंग इत्यादि की होगी, उसके आने में थोड़ा बहुत दिक्कत होगी मगर लैंड एक्विजिशन ऐक्ट के अन्तर्गत यह चीज हो सकती है। इस तरह से दो पैरलल कानून बनाने की आवश्यकता प्रतीत नहीं होती है। इसलिए यह जो टैम्परेरी प्रकार का विधान है, उस विधान में इस प्रकार से संशोधन करने की कोई आवश्यकता प्रतीत नहीं होती है।

एक संशोधन में यह भी सुझाया गया है सुप्रीम कोर्ट के निर्णय के आधार पर धारा 8 के अन्तर्गत। मैं समझता हूँ कि यह समस्या भी हल हो सकती है अगर यह लैंड एक्विजिशन ऐक्ट के अन्दर यह सारी एक्विजिशन आफ दी प्रापर्टी वगैरह हो जाय। इस तरह से यह समस्या भी हल हो सकती है। वास्तव में जहाँ तक इस संशोधन का सिद्धान्त है, उस सिद्धान्त से मेरा कोई मतभेद नहीं है और जैसा कि सुप्रीम कोर्ट का निर्णय हुआ है, यह धारा उन्होंने अवैध बतलाई है। क्लॉज 8 के सब क्लॉज 3 वी को जो गलत माना है, उस आधार पर जो संशोधन हुआ है, वह तो ठीक है। परन्तु मेरा निवेदन यह है कि यह जो कानून है वह केवल रिक्विजिशन मात्र से संबंध रखता है। जहाँ तक एक्विजिशन का संबंध है, अगर उसका एक कन्सालिडेटेड ला होता तो ज्यादा अधिक अच्छा होता। इस प्रकार से जो नीति अपनाई गई है, मेरे ख्याल से वह उचित नहीं है।

इस चीज के बारे में एक निवेदन यह भी

करना है कि नोट से यह भी प्रतीत होता है कि अनेक सम्पत्तियाँ ऐसी हैं जो वर्षों से रिक्विजिशन की हुई हैं और उनके बारे में कोई निर्णय नहीं हुआ है। लोक सभा में जो विवाद हुआ था, उसमें एक महानुभाव ने यह भी कहा था कि जो डिक्लेरेशन की तारीख है, उस तारीख से मार्केट वैल्यू नहीं मानी जानी चाहिये बल्कि उस दिन से मानी जानी चाहिये जिस दिन से उस जमीन पर कब्जा किया गया है। मैं समझता हूँ कि उसकी भावना समझने लायक है। वह जो उन्होंने विवाद प्रस्तुत किया उससे मैं पूर्णतया सहमत नहीं हूँ। वास्तव में जिस दिन डिक्लेरेशन होता है उसी दिन से समझा जायगा कि वह सम्पत्ति शासन के अधिकार में होने वाली है। उसकी पोटेंशियल वैल्यू का विचार करते हुये उसकी मार्केट वैल्यू निकालना उचित होगा। परन्तु इस प्रकार का संशोधन आना जरूरी है कि इस प्रकार का नोटिफिकेशन हो जाने के बाद एक्विजिशन की कार्रवाई एक निर्धारित समय के अन्दर समाप्त कर दी जाय—चाहे वह एक वर्ष का समय रखा जाय, छः महीने का समय रखा जाय या और कोई समय रखा जाय और उस समय को निर्धारित करना चाहिये। इससे कोई एनामलीज पैदा नहीं होगी। वास्तव में जिस दिन से घोषणा हो जाती है उस दिन के बाद वह सम्पत्ति दुबारा किसी को हस्तांतरित हो नहीं सकती और समय के परिवर्तन के साथ उसका जो ऐडवांटेज होगा उससे उसका स्वामी वंचित हो जायगा। उसकी कीमत आप उसको पांच से आठ साल के बाद दो और इस प्रकार उसका कोई दोष न होते हुये उसको यह पाजिटिव लाम होता है जो अन्यायपूर्ण है। इस लिये मेरा निवेदन यह है कि ऐसा एक संशोधन जनरल ला में होना अत्यन्त आवश्यक है कि निर्धारित समय के अन्दर सारी कार्रवाई समाप्त हो जाय इन्क्लूडिंग पेमेंट आफ कम्पेसशन। ये सारी बातें जो हैं वे निश्चित समय के अन्दर पूरी हो जायें क्योंकि मैं समझता हूँ कि यह अत्यन्त आवश्यक है।

इस लिये यह जो एक प्रकार से अस्थायी कानून है, इसके अन्दर एन्विजिशन के संशोधन को लाने का मैं विरोध करता हूँ और सदन से निवेदन करता हूँ कि इसको स्वीकार न किया जाय ।

SHRI M. P. BHARGAVA (Uttar Pradesh) | Mr. Vice-Chairman, Sir, I do not say that this Bill is unnecessary. I give my support to the Bill but I fail to understand the sequence of events. If we analyse the sequence of events—which I shall do presently—it will be found that it is a sad commentary on the working of the Works and Housing Ministry, the Ministry of Law, and those persons in the Ministry of Parliamentary Affairs who are responsible for arranging the business in the two Houses.

Now this is a Bill which is consequential on certain events happening in the country, and if the Ministries function well, they should be prepared to meet the situation as and when it arises. With the normal functioning of the Ministry the Bill should have been ready before the 10th of January, when the emergency was lifted. There was no reason why the Ministry waited till after the actual lifting of the emergency and then set in motion the whole process which had to be gone through within six months. This is as far as the responsibility of the Ministry of Works, Housing and Supply is concerned.

Next comes the Ministry of Law. I would like to know this from the hon. Minister for Works, Housing and Supply. When did he actually send the draft Bill as envisaged by his Department to the Ministry of Law? That will fix the responsibility of the Works and Housing Ministry as to how long after the 10th of January they began to act.

And then will come the responsibility of the Ministry of Law who are supposed to finalise all legislative business. Now the Bill has been actually introduced three and a half months after the actual lifting of the emergency. The responsibility for this has to be shared by the Works and Housing, and the Law Ministries, and definitely shared, in these three and a half months. The Minister will have to explain to this House this. Why could he not introduce the Bill as soon as the Parliament started its Budget Session in 1968, and why had the Ministry to wait till the 30th of April, till towards the fag end of the Budget Session, for introducing such an important Bill which was con-

sequential after the lifting of the emergency ?

Now I come to the part of the Parliamentary Affairs Ministry. On the 30th of April the Bill was introduced in the Lok Sabha, and the Lok Sabha was sitting till the 18th of May. I would like to know why priority was not given to this piece of legislation so that between the 30th of April and the 18th of May it could get through the Lok Sabha. And the Rajya Sabha, as the House is aware, was sitting till the 22nd of May, 1968. If efforts had been made to see that the Lok Sabha passed the Bill by the 18th of May, I see no difficulty why the Rajya Sabha could not have passed the Bill before the 22nd of May when it rose. If all the actions had been taken in time, the Presidential Proclamation, which came 19 days after the Parliament adjourned, would not have been necessary. So, in my humble opinion, if I may say so it is not a proper use of Presidential Proclamations. Presidential Proclamation is a very sanctified process, if I may say so, it should be used only when it must be and when it is absolutely necessary, when there is no other course but to request the President to issue a Presidential Proclamation. And that is the intention of the Constitution too. If we use Presidential Proclamations for the lapses of the Government, and for the inaction of the officers and the Ministers of the various Ministries, it is a sad commentary on the working of the whole Government of India. I do hope that this will be the last occasion when a Presidential Proclamation is used in such a manner. I do hope also that the Ministry will function in time in future and will see that such occasions are not repeated.

As I said in the beginning, this is a Bill which must go through, because it is consequential, and if it is not passed in time so many difficulties would be faced in practice, because lots of immovable properties have been requisitioned, and on the 10th of July, in the normal course, if steps had not been taken, the Government of India would have had to face a very awkward situation.

Therefore, I still feel that the Bill is necessary and I do hope it will get the support of the House, but I will once again say with all the emphasis at my command that in future more care should be taken to see that action, wherever necessary, is taken in time and well in time, so that such a situation can be saved.

Thank you.

SHRI DAHYABHAI V. PATEL (Gujarat) : Sir, I am inclined to agree with Mr. Bhargava in his observations regarding the way in which this Bill has been brought forward but this is not the first time that such a measure has been brought before us. Government does not seem to learn from experience. This Government has been conducting the affairs of the country for the last twenty years and such powers of acquisition and requisition have been used, rather misused in many States as well as in Delhi. One can understand that when the Government of India was formed immediately after independence there might have been difficulties and the Government had to use these powers to get property but for how long? On the one hand we see large palatial buildings being built for Government secretariat; on the one hand we see large number of colonies for employees which are necessary but they are built and no service is provided for them and they lie vacant for years. It is a sad commentary on the way in which these things are done.

My father used to stay in a house when he was a Minister. It belonged to a friend and he stayed there because of Gandhiji's idea of Ministers setting an example and staying in small houses. For allowing the use of that house the landlord was punished and for ten years afterwards that house was not returned to the original owner as it should have been done. And what was it used for? It was used for all sorts of sundry things, including the Office of the Election Commission. I say it was atrocious; it was something done deliberately to punish somebody who was friendly to my father and that is how this Ministry is working. And in what condition was it handed over to him? I happened to be a Member of Parliament when the building was being returned; I had also been there during his lifetime and I know how it was being kept. But when it was being returned it was completely in ruins. This is what this Ministry does. They spend lakhs and lakhs of rupees on small things every where but these essential things nobody seems to think of or bother about. We are supposed to have a huge Planning Commission; we are supposed to have a Ministry of Works, Housing and Supply; we are supposed to have Ministries who go on acquiring private property without any compunction and now, of course, hardly anything is left. This is a gross abuse of privilege.

I have recollection of a case in Bombay where somebody bought a huge piece of land. It was a mill that was being demolished with the idea of putting up a housing colony there. Somehow somebody got the idea that that is required for Government purposes and there was a suit which went on right up to the High Court and the Supreme Court for ten or fifteen years and ultimately the Government compromised with the party. Why should they harass people like this by acquiring their property in this manner? This is not what a Government of the people should do if it is a Government for the people's benefit. Of course, if it is for the benefit of the Congress coterie then they can do what they like. Then let them say so openly that this is a Government of Congress coterie for the benefit of the Congress coterie. This is a very sad commentary on the way in which things are being done; we are asked to rush through with this at the last minute because otherwise the ordinance will lapse. This should be done in a considered manner; a measure like this should be sent to the select Committee, evidence should be recorded from people and the pros and cons of the issue should be gone into fully before giving the Government such wide powers particularly when it is known that the Government has been abusing these powers.

SHRI CHITTA BASU (West Bengal) : Sir, I rise to oppose this Bill generally on two grounds. Firstly, I oppose this because Parliament cannot allow this Government to misuse this power which the Government got under the emergency. During the emergency it was quite right for the Government and it was also understandable and we might also have agreed that the Government should have such powers to meet certain situations during the emergency. But now we find that those powers which were given to the Government during the emergency are sought to be used even at a time when there is no emergency. Therefore, my first objection to the Bill is that this Government should not be allowed to exercise these emergency powers during the period when there is no emergency.

The second point is this. This power has been abused on many occasions in a variety of ways. The hon. Minister is on record as having said that by the Ministry of Defence alone huge amount of land to the tune of 65,960 acres had been

requisitioned up till now and 2086 flats had also been requisitioned by the Government under this Act. So far as my own experience is concerned I can tell for the benefit of this House that acquisition on many occasions has been done in a very haphazard manner. Hundreds and thousands of acres of land, mostly of the poor people of the villages, have been taken possession of and even after 10, 12 or 15 years, those plots of land are not being used by the Government. I really do not know for which purpose those lands were acquired by the Government. You will be surprised to know, Mr. Vice-Chairman, that even when our country is passing through a very serious food crisis these huge plots of land are not allowed to be ploughed by the cultivators from whom they had been acquired under this Act. I know of certain instances in my own district of 24 Par-ganas and in Nadia and other districts also thousands of acres of land have been taken away from the poor cultivators without those lands being put to any use. We had even requested the collectors and other officials to allow the cultivators to produce something on those lands and we had even said that the Government could have a share of the produce as owner of those lands but Mr. Vice-Chairman, you will be astonished to learn that even when lands are remaining fallow and when there are land hungry people clamouring for land they are not allowed even to cultivate those lands. I do not know for which purpose Government have taken those lands away from those people. There are many such instances by which I can prove that this Act has been used in a way which does not serve the purpose either of the country or of the Government. The Government is also, I understand, not willing to perpetuate possession of the lands acquired by them and they want to derequisition them. If they want to derequisition those lands, why should there be so much delay? And I would suggest in this connection that there should be a Committee with representatives of the people, members of Parliament and members of the various legislatures so that they may decide which land is to be finally acquired and which is to be derequisitioned and it can also ensure that no delay occurs in deciding upon either final acquisition or derequisition. As it is, the Government does not appear to be decided as to which land is to be acquired permanently and which land is to be derequisitioned.

I think it would be useful to set up a Committee to advise the Government in this matter of how best to utilise the lands acquired by the Government and how quickly derequisitioning can be given effect to in respect of lands not required by the Government.

SHRI KRISHAN KANT (Haryana) : Under the chairmanship of Mr. Chitta Basu?

SHRI CHITTA BASU : Under your chairmanship because you are in the Treasury Bench.

SHRI M. P. BHARGAVA : None of you; we will have a third one.

SHRI CHITTA BASU : Again, Mr. Vice-Chairman, you know a Committee has been set up under Mr. Mulla which is going round the country examining what should be the criteria for acquisition of land because there is dearth of land in the country. Particularly when our country is passing through a serious food crisis we cannot afford not to fully utilise the land resources of our country. The Mulla Committee is going round the country, examining witnesses, and certainly the Committee will submit its report after considering all the pros and cons of the problem and keeping in view the need for maximum utility of the available land and my suggestion in this context is that the Government should come out with a comprehensive Bill in the light of the report that the Mulla Committee may be submitting in the near future.

Then, this fundamental problem of acquisition and de-requisitioning of land will be properly met. Unless this type of comprehensive Bill is brought forward, I think this problem cannot be solved in a half-hearted way. Therefore, with these remarks, I urge upon the Government that this kind of half-hearted measures cannot be in the interests of the nation, cannot be in the interests of the people and cannot be in the interests of the Government. I think this Parliament would do well not to pass this Bill in the interests of the poor people.

श्री बी० एन० मंडल (बिहार) : उपसभाध्यक्ष महोदय, जो विधेयक इस सदन के सामने अभी प्रस्तुत है उस विधेयक को देखने से मालूम पड़ता है कि स्वतंत्रता को रखने के लिये जिस तरह

[श्री बी० एन० मंडल]

का दिमाग सरकार को चाहिये, उस तरह का दिमाग सरकार का शायद नहीं है। लड़ाई के जमाने में या देश के ऊपर कोई बड़ी विपत्ति आये उस जमाने में यदि लोगों की स्वतंत्रता पर रोक लगाई जाय तो यह उचित हो सकता है; लेकिन उस परिस्थिति के बाद भी, यदि रोक रखी जाय तो इसका मतलब होता है कि सरकार गलत रास्ते पर जा रही है, गलत तरीके से अपनी पावर का इस्तेमाल कर रही है। लड़ाई के जमाने में कुछ इम्पूब्लि प्रापर्टी, वह चाहे हाउस हो या कोई जमीन हो, रिक्विजिशन की गई थी, तो लड़ाई के बाद उन चीजों को छोड़ देना चाहिये था और आडिनरी वे में सरकार का जैसे काम पहले चलता था उसके मुताबिक ही काम चलता। अगर घर की जरूरत थी तो किराया रजामन्दी से देते या अपना नया घर बना कर काम चलाते, लेकिन जो एक स्पेशल पावर लड़ाई के जमाने में यूज की गई थी उससे काम नहीं लेते। ऐसा सरकार को करना चाहिये था, जो कि सरकार ने नहीं किया। उसके बाद जो इमरजेंसी का पीरियड था उसको भी बहुत दिन तक बढ़ा कर रखा गया, यह एक दूसरी नाजायज बात हुई और तीसरी नाजायज बात यह हुई कि जब यह निश्चित हो गया कि इमरजेंसी अब नहीं रहेगी तो वैसी हालत में सरकार को क्या करना चाहिये और क्या नहीं करना चाहिये। इस बात का उसी समय में निश्चय कर लेना चाहिये था, लेकिन वह भी उस समय में निश्चय नहीं किया गया। जो हाउस रिक्विजिशन हो चुका था वह जिस दिन इमरजेंसी खत्म की गई उसी दिन वह सब हाउस रिलीज कर देना चाहिये था लेकिन वह भी नहीं किया गया। इमरजेंसी खत्म होने के बाद भी छः महीने तक उसका असर रह सकता था और वह असर 10 जुलाई, 1968 तक रहा लेकिन 10 जुलाई 1968 के पहले तक जब तक कि रिक्विजिशन का नया कानून पास कर के रिक्विजिशन प्रापर्टी को कब्जे में नहीं रखा गया तो सरकार को फिर से रिक्विजिशन प्रापर्टी रखने की पावर नहीं

रही। इसके बारे में मैं चाहता हूँ कि मंत्री जी एक्सप्लेन करें कि 10 जुलाई, 1968 के बाद से जब तक कि राष्ट्रपति का हस्ताक्षर हो कर के गजट में यह पब्लिश नहीं होगा, इस बीच का जो पीरियड है उस पीरियड में क्या पोजीशन इन रिक्विजिशन वाली प्रापर्टी की रहेगी? इसको भी वह एक्सप्लेन करें। हम समझते हैं कि नाजायज तरीके से वे मकान या वे जमीनें रखी जा रही हैं। जिस चीज को रिक्विजिशन किया था, उस पर अपने मन से सरकार ने घर बना लिया। यह कौन तरीका है, पावर यूज करने का और अब उसका बहाना लेकर कहें कि कैसे लौटाया जायगा। इस सिलसिले में मैं कहना चाहता हूँ कि घर सहित देना चाहिए। लेकिन वह भी सरकार नहीं करना चाहती है और न पूरा मुआविजा ही देना चाहती है। तो इस तरीके से जितना भी सरकार का काम हो वह अपने ही स्वार्थ में हो और दूसरे के स्वार्थ को नहीं देखा जाय तो यह कौन सा सरकारी काम करने का तरीका है, यह भी हमको समझ में नहीं आता है। इसलिये हम चाहते हैं कि सरकार इन सारी बातों पर खयाल करे। बहुत दिनों तक इस तरह की बात नहीं चल सकती है। लोगों की फ्रीडम को अगर सरकार बराबर कंट्रोल करती जाय तो कुछ दिन तक आदमी सह सकता है, उसके बारे में कुछ बोल भी सकता है और अगर कोई उपाय न हो तो उसे सह भी सकता है लेकिन इसका नतीजा अंत में जा कर बहुत ही बुरा किसी भी सरकार के लिये होता है, इस बात को सरकार को ध्यान में रखना चाहिये। इसलिये सरकार अपने अख्तियार के ऊपर बंधन रखे, अपने ऊपर बन्धन रखे, लेकिन इस सरकार के ऊपर कोई बंधन है नहीं। आखिर सरकार क्या है। किसी टाइम पर जो आदमी सरकार को चलाता है वही सरकार है और इस तरीके से जो आदमी सरकार को चलाने वाला है अपने ही स्वार्थ के लिये सरकार के नाम पर सरकारी पावर को बढ़ा कर रखता है और अनुचित तरीके से अपने स्वार्थ के लिये उसको घसीट कर बहुत दूर तक ले जा सकता है जो

कि देश के लिये बहुत बुरी बात है। इसलिये मैं इस बिल का विरोध करता हूँ।

इसके साथ ही साथ सुप्रीम कोर्ट ने जो सेक्शन 8 (डी) को वायड किया था उसको इससे निकाला जा रहा है वह भी मैं अच्छा समझता हूँ। इतनी बात कह कर मैं बैठ जाता हूँ।

**श्री नेकी राम (हरियाणा) :** उपसभाध्यक्ष जी, मैं इस बिल के बारे में दो शब्द कहना चाहता हूँ अगर आपकी इजाजत हो तो।

**उपसभाध्यक्ष (श्री राम निवास मिर्धा) :** हाँ, दो शब्द फर्माइये।

**श्री नेकी राम :** मैं इस बिल का विरोध नहीं करता लेकिन इतना जरूर कहना चाहता हूँ कि यह इसमें जोड़ लिया जाय कि जो जमीन सरकार लेना चाहती है उसमें अगर फसल पकने का टाइम है तो उसको उसका भी मुआवजा मिलना चाहिये। बस इतना इसमें और जोड़ दिया जाय। यही मैं कहना चाहता हूँ।

**SHRI JAGANNATH RAO :** Mr. Vice-Chairman, I am thankful to the hon. Members who have taken part in this debate. My friend, Mr. Bhargava, and Mr. Dahyabhai Patel took objection to the issuing of Ordinances by the President. This power, which according to my hon. friends should be sparingly used, is being used indiscriminately, many Bills, which should have been introduced in either of the Houses in the ordinary course, were not introduced and that resort was being had to Ordinances. May I explain the circumstances in which the Ordinance had to be issued? My Ministry or I could not be expected to know when the emergency would be revoked. It was a Cabinet decision, a secret decision of the Government. On the 10th January only, when it was revoked, I came to know of it, along with others. Immediately after the revocation of emergency, the Defence of India Act naturally comes to an end. Of course, its operation was extended for six months under another provision of the General Clauses Act, and the Defence of India Act and the Rules made therein would cease to be effective on the 10th July, 1968. Therefore, as the administering Ministry, as the Minister-in-Charge of

the operation of this Act, I had to prepare a summary, go to the Cabinet for approval. Only then the Bill could be drafted and introduced in the House. On my part I have taken all precautions. The Cabinet had to approve the Bill and then its formal introduction. One fact I would request the House to bear in mind. The last session of Parliament was the Budget Session. This Bill had to be introduced in Lok Sabha and not in this House.

As a matter of fact, the Bill was introduced in the Lok Sabha, but as the House is aware, that was the Budget Session. There was so much of work that there was no time, not even two hours, which could be spared for a discussion of this Bill. I had requested my colleague, the Minister of Parliamentary Affairs, to provide some time, so that this Bill could be passed and then it could come to this House. But time was not available and Members were not willing for the prolongation of the House even for a day or two. That was the reason why this Bill could not be passed in that House. Therefore, the actions taken under the Defence of India Act will be nullified if there is no continuity in that Act. Before 10th July, 1968 when the Defence of India Act comes to an end there must be another law which should regularise the properties that have been requisitioned under the earlier law. Otherwise there will be a vacuum and Government cannot hold any properties that have been requisitioned under the law. Therefore, to regularise the requisition which was done under that law, and to hold them on, there must be some legal authority vested in the Government to hold on to those properties. That was the reason why the Ordinance had been resorted to. I personally feel and I entirely agree with my hon. friends that the power of issuing an Ordinance should not be resorted to. For instance, in the case of the Advocates (Amendment) Bill an Ordinance was issued. Therefore, the Government also should be vigilant. As far as I am concerned, I have taken all precautions. Unfortunately there was no time in the Lok Sabha for passing the Bill—the Bill was introduced in May. Therefore, the Ordinance was issued.

On the merits of the Bill I also quite agree with the sentiments expressed by hon. Members from both sides of the House that Government should not hold on indefinitely to properties which are requisitioned. The moment the public



[Shri Jagannath Rao]

purpose for which properties belonging to citizens are requisitioned ceases to exist, they should be derequisitioned. In other words, no citizen shall be deprived of his right to use his property and to put it to any use that he likes. That being one's fundamental right, I quite agree with the proposition. Under this Bill I can only take into consideration the lands and buildings that have been requisitioned under the Defence of India Act, 1962. There are about 65,000 acres of land and 285 houses. Two courses are open to Government : either to acquire the property straightway which means, as I said, in my opening speech, that Rs. 35 crores approximately will be required, or to derequisition them. As I explained, there are some which are essential. But within six months is it possible for Government to come to a decision either to acquire or to derequisition ? To derequisition a property may be impossible and ultimately that may have to be acquired. Secondly, portions of buildings were also requisitioned. How can a portion be acquired? Therefore, they have to be derequisitioned. Therefore, six months are not too long a period, and it should not be said that Government is indefinitely holding on to properties. I agree with the sentiments expressed, and I also personally feel that no person should be deprived of his right to enjoy his property. I have been following this policy of progressive derequisitioning, and I may also inform the House that Government is paying rent to the tune of Rs. 58 lakhs every year for the requisitioned properties. It is not a small sum. Why should Government pay Rs. 58 lakhs as rent to private persons ? There are about 285 private requisitioned houses in Delhi, Bombay and Calcutta, and 262 leased houses in Delhi, Bombay and Calcutta. Since 1st April, 1967, 76 units have been released: 37 in Delhi, 33 in Bombay and 6 in Calcutta, resulting in a saving of over Rs. 6 lakhs per annum. Therefore, derequisition of 76 units has saved Rs. 6 lakhs to Government. Therefore, we are anxious to see that the requisitioned properties are immediately derequisitioned or, if they are considered to be necessary, are acquired on payment of full compensation.

It is also said; why should there be two parallel laws ? The Land Acquisition Act of 1894 does not deal with requisitioning of property; it only deals

with acquisition of property. I may here give a brief history of the Requisitioning Act. Under the Defence of India Act, rule 75(a) of the Defence of India Rules was there which gave power to Government to requisition property and acquire property which had been requisitioned. Therefore, after the Defence of India Act ceased to exist, there came the 1947 Requisitioning Act, which was a temporary Act. Then came in 1952 the Requisitioning and Acquisition Act. This Act is also temporary. It will cease to exist on the 13th March, 1970. Therefore, what I am now seeking to do by this amending Bill is to continue to requisitioning power till 13th March, 1970. Therefore, even after the passing of this Bill all the requisitioning powers of the Government continue only till the 13th March, 1970. Therefore, it is really less than two years...

SHRI MULKA GOVINDA REDDY :

Where is the guarantee that you will not come again for further extension ?

SHRI JAGANNATH RAO : Then it is open to the hon. Members to again question the right of the Government, the propriety of the Government of again having a law perpetuating requisitioning? As I stand in this House today, this is only a temporary measure which ceases to exist on 13th March, 1970.

Then, when I come to the House for amending a certain provision of the Act it is also my duty to see that any judicial pronouncements affecting any of the sections of the Act are given effect. Therefore, the necessary amendment has been made to section 8.

Some hon. Member has also spoken about the Mulla Committee. I said in the other House and also say here that I will welcome the report of the Mulla Committee, and if the report is received in time, say early next year, Government will certainly come forward with an amending and consolidating Bill both in respect of the law of acquisition and of requisition. I also agree that there should not be parallel laws. The Act which gives power to acquire property should have also provision for requisition of property under certain circumstances. A single Act will certainly serve the purpose and there need be no two separate laws for requisition of property and also for acquisition of the requisitioned property. Therefore, these are matters which will certainly be taken into consideration

I only hope that the Mulla Committee's report will be made available to the Government and as soon as it is received, Government will take action at the earliest possible moment.

I think I have answered all the objections.

SHRI CHITTA BASU : Will the Government be pleased to allow the cultivators to cultivate their lands, which are not used by the Government?

SHRI JAGANNATH RAO : It will be for the appropriate department.

THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) : The question is

"That the Bill further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) : We shall now take up clause by clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

Clause 1, the enacting formula and the title were added to the Bill.

SHRI JAGANNATH RAO : Sir I move

"That the Bill be passed

The question was proposed.

SHRI M. P. BHARGAVA : Mr. Vice-Chairman, I am not very happy with

the explanation given by the Minister. While he has emphasized the part played by the Ministry of Parliamentary Affairs after the introduction of the Bill, which is only 18 days, he had no explanation to offer for the 3<sup>6</sup> months' delay in the introduction of the Bill. When did he actually take steps to initiate the whole thing? I am interested in knowing that date.

SHRI JAGANNATH RAO : I cannot give details. I cannot throw the blame on any sister Departments. I have only said that I have taken action in proper time.

SHRI CHITTA BASU : He has not answered my question, whether he will allow cultivators to cultivate lands which are not used by the Government?

SHRI JAGANNATH RAO : As I have said, I was not aware when the emergency would be revoked. It was a secret decision of the Government. I came to know of it along with others.

SHRI M. P. BHARGAVA : It was known to the country that the emergency would be lifted any time, for over a year.

THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) : The question is

"That the Bill be passed.

The motion was adopted.

THE VICE-CHAIRMAN (SHRI RAM NIWAS

The House stands adjourned till 11.00 a.m. tomorrow.

The House then adjourned at one minute past five of the clock till eleven of the clock on Tuesday, the 30th July, 1968.